

REMARKS

The above amendments are made in response to the Office action of April 10, 2007. The Examiner's reconsideration is respectfully requested in view of the above amendment and the following remarks.

Claims 1-22 are pending. Claim 1 has been amended, and claims 2 and 13-22 have been canceled, leaving claims 1 and 3-12 for consideration upon entry of the present amendment. Support for the amendment to claim 1 may be found at least in the specification, claims and figures of the application as originally filed. No new matter has been added.

Drawings

The drawings stand objected. The Examiner specifically states that FIG. 1 should include a legend designating it as the prior art.

Figure 1 has been amended to designate "Prior Art" as suggested by the Examiner.

Accordingly, it is respectfully requested that the objection to the drawings be withdrawn.

Claim Rejections Under 35 U.S.C. § 102

In order to anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine v. Barent, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert denied*, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1274 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Claims 1-3 and 13 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Yonehara (U.S. Patent Publication No. 2003/0161491, hereinafter "Yonehara"). The Examiner states that Yonehara discloses all of the elements of the abovementioned claims, primarily in FIG. 1 and paragraphs 0042 and 0045.

However, it is respectfully submitted that Yonehara does not disclose the polar ring surrounded by the first base, as recited in amended claim 1. The polar ring surrounded by the first base is disclosed in Fig. 2 and paragraph [0020] which reads “The acoustic part is adapted to be formed in the same cylindrical shape as the cylindrical case 202 to be fitted into the case 202. Further, the acoustic part is adapted to be protected by a first base 212 made from an insulating material having a good high-temperature resistance, and includes a diaphragm 206 and a back-plate 210 facing each other inside of the first base 212. There is located a spacer 208 between the diaphragm 206 and the back-plate 210”.

More specifically, diaphragm supporting ring 34B of Yonehara, which corresponds to the polar ring of the present invention, is not surrounded by the insulating ring 36 of Yonehara (see Fig. 1 of Yonehara).

Therefore, it is respectfully submitted that claim 1 and dependent claim 3 are not anticipated by Yonehara. It is noted that claim 13 has been canceled rendering any rejection thereto moot.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to claims 1-3 and 13 under 35 U.S.C. §102(e).

Rejections Under 35 U.S.C. § 103

In order for an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996). See MPEP 2143. Claims 3, 4, 8 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki in view of Applicants’ prior art (FIG. 3).

Claims 4-6 and 14-16 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Yonehara in view of Hiramoto (U.S. Patent No. 6,999,596, hereinafter “Hiramoto”). The Examiner states that Yonehara discloses all of the elements of claims 4, 5, 14 and 15 except, *the components are soldered by cream solders for high temperature*, which the Examiner further states is disclosed primarily in column 18, lines 42-43 of Hiramoto. The Examiner states that Yonehara discloses all of the elements of claims 6 and 16 except, *an IC having a built in gain amplifier mounted thereon*, which the Examiner further states is disclosed primarily in column 19, lines 62-65 of Hiramoto.

First, it is noted that claims 14-16 have been canceled rendering any rejection thereto moot.

Second, it is respectfully pointed out that claims 4-6 depend from claim 1, which is submitted as being allowable for defining over Yonehara as discussed above. Third, it is respectfully submitted that use of *an IC having a built in gain amplifier mounted thereon* or any other disclosure of Hiramoto does not cure the deficiencies noted above with respect to Yonehara.

Furthermore, similar to Claim 1, Yonehara, Hiramoto and combinations thereof do not disclose a structure wherein the polar ring is surrounded by the first base, as recited in amended claim 1. Therefore, Claims 4-6 are not anticipated by Yonehara in view of Hiramoto.

Claims 7 and 17 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Yonehara in view of Hiramoto and further in view of Kay (U.S. Patent No. 6,741,709, hereinafter “Kay”). The Examiner states that Yonehara in view of Hiramoto discloses all of the elements of claims 7 and 17 except, *the IC device includes an analog-digital converter for digital conversion*, which the Examiner further states is disclosed primarily in column 5, lines 7-12 of Kay.

First, it is noted that claim 17 has been canceled rendering any rejection thereto moot.

Second, it is respectfully pointed out that claim 7 depends from claim 1, which is submitted as being allowable for defining over Yonehara in view of Hiramoto as

discussed above. Third, it is respectfully submitted that use of *the IC device includes an analog-digital converter for digital conversion* or any other disclosure of Kay does not cure the deficiencies noted above with respect to Yonehara in view of Hiramoto.

Furthermore, similar to Claim 1, Yonehara, Hiramoto and Kay, and combinations thereof, do not disclose a structure wherein the polar ring is surrounded by the first base, as recited in amended claim 1. Therefore, Claim 7 is not anticipated by Yonehara in view of Hiramoto, and in further view of Kay.

Claims 8 and 18 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Yonehara in view of Hiramoto and further in view of Furst (U.S. Patent Publication No. 2002/0106091, hereinafter “Furst”). The Examiner states that Yonehara discloses all of the elements of claims 8 and 18 except, *the IC device includes a decimation filter and a digital interface*, which the Examiner further states is disclosed primarily in paragraph 18 of Furst.

First, it is noted that claim 18 has been canceled rendering any rejection thereto moot.

Second, it is respectfully pointed out that claim 8 depends from claim 1, which is submitted as being allowable for defining over Yonehara in view of Hiramoto as discussed above. Third, it is respectfully submitted that use of *the IC device includes a decimation filter and a digital interface* or any other disclosure of Furst does not cure the deficiencies noted above with respect to Yonehara in view of Hiramoto.

Furthermore, similar to Claim 1, Yonehara, Hiramoto and Furst, and combinations thereof, do not disclose a structure wherein the polar ring is surrounded by the first base, as recited in amended claim 1. Therefore, Claim 8 is not anticipated by Yonehara in view of Hiramoto, and in further view of Furst.

Claims 9-11, 19, 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Yonehara in view of Jore (U.S. Patent No. 7,109,625, hereinafter “Jore”). The Examiner states that Yonehara discloses all of the elements of claims 9, 11, 19 and 21 except, *the connecting terminal is formed with at least one groove for discharging gases generated in the reflow process for surface mounting*,

which the Examiner further states is disclosed primarily in FIG. 6A of Jore. The Examiner also states that Yonehara discloses all of the elements of claims 10 and 20 except, *the Vdd connection is circular, nor that it is in the center, or that annular sector ground terminals are evenly spaced apart from each other along the periphery*, which the Examiner further states is disclosed primarily in FIG. 6A and 7-11 of Jore.

First, it is noted that claims 19, 20 and 21 have been canceled rendering any rejection thereto moot.

Second, it is respectfully pointed out that claims 9-11 depend from claim 1, which is submitted as being allowable for defining over Yonehara as discussed above. Third, it is respectfully submitted that use of *the Vdd connection is circular, nor that it is in the center, or that annular sector ground terminals are evenly spaced apart from each other along the periphery* or any other disclosure of Jore does not cure the deficiencies noted above with respect to Yonehara.

Furthermore, similar to Claim 1, Yonehara, Jore and combinations thereof do not disclose a structure wherein the polar ring is surrounded by the first base, as recited in amended claim 1. Therefore, Claims 9-11 are not anticipated by Yonehara in view of Jore.

Claims 12 and 22 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Yonehara in view of Jore and further in view of Hiramoto. The Examiner also states that Yonehara in view of Jore discloses all of the elements of claims 12 and 22 except, *the connecting terminal has a ball grid array*, which the Examiner further states is disclosed primarily in column 17, lines 60-63 of Hiramoto.

First, it is noted that claim 22 has been canceled rendering any rejection thereto moot.

Second, it is respectfully pointed out that claim 12 depends from claim 1, which is submitted as being allowable for defining over Yonehara in view of Jore as discussed above. Third, it is respectfully submitted that use of *the connecting terminal has a ball grid array* or any other disclosure of Hiramoto does not cure the deficiencies noted above with respect to Yonehara in view of Jore.

Furthermore, similar to Claim 1, Yonehara, Hiramoto and Kay, and combinations thereof, do not disclose a structure wherein the polar ring is surrounded by the first base, as recited in amended claim 1. Therefore, Claim 7 is not anticipated by Yonehara in view of Hiramoto, and in further view of Kay.

In sum, Yonehara, Hiramoto, Kay, Furst, Jore and any combinations thereof fail to disclose the structure wherein the polar ring is surrounded by the first base. Therefore, dependant claims are also novel and inventive over the cited references contrary to the Examiner's opinion.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to claims 3-12 under 35 U.S.C. §103(a).

Conclusion

In light of the above remarks, the present application including claims 1 and 3-12 are believed to be in condition for allowance.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejections. If there are any charges due with respect to this response, please charge them to Deposit Account No. 06-1130 maintained by Applicants' Attorneys.

Respectfully submitted,

By: /James J. Merrick/
James J. Merrick
Registration No. 43,801
Confirmation No. 3708
Cantor Colburn LLP
55 Griffin Road South
Bloomfield, CT 06002
PTO Customer No. 23413
Telephone: (860) 286-2929
Fax: (860) 286-0115

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